

Federal Motor Carrier Safety Administration, DOT

§ 389.15

- 389.31 Petitions for rule making.
389.33 Processing of petition.
389.35 Petitions for reconsideration.
389.37 Proceedings on petitions for reconsideration.

AUTHORITY: 49 U.S.C. 113, 501 *et seq.*, 31101 *et seq.*, 31138, 31139, 31301 *et seq.*, and 31502; 42 U.S.C. 4917; and 49 CFR 1.73.

SOURCE: 35 FR 9209, June 12, 1970, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 389 appear at 66 FR 49873, Oct. 1, 2001.

Subpart A—General

§ 389.1 Applicability.

This part prescribes rulemaking procedures that apply to the issuance, amendment and revocation of rules under an Act.

[62 FR 37152, July 11, 1997]

§ 389.3 Definitions.

Act means statutes granting the Secretary authority to regulate motor carrier safety.

Administrator means the Federal Motor Carrier Safety Administrator.

[62 FR 37152, July 11, 1997]

§ 389.5 Regulatory docket.

(a) Information and data deemed relevant by the Administrator relating to rulemaking actions, including notices of proposed rulemaking; comments received in response to notices; petitions for rulemaking and reconsideration; denials of petitions for rulemaking and reconsideration; records of additional rule making proceedings under § 389.25; and final rules are maintained at headquarters, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

(b) Except for material ordered withheld from the public under section 552(b) of title 5 of the United States Code, any person may examine docketed material in the Department of Transportation Docket Management Facility in the following ways:

(1) At headquarters at any time during regular business hours. Copies may be obtained upon payment of a fee.

(2) On the Web site *regulations.gov*, at any time, by using the uniform resources locator (URL) *http://*

www.regulations.gov. Copies may be downloaded or printed.

[72 FR 55702, Oct. 1, 2007]

§ 389.7 Records.

Records of the Administrator relating to rule making proceedings are available for inspection as provided in section 552(b) of title 5 of the United States Code and part 7 of the regulations of the Secretary of Transportation (part 7 of this title; 32 FR 9284 *et seq.*).

[35 FR 9209, June 12, 1970, as amended at 53 FR 2036, Jan. 26, 1988]

Subpart B—Procedures for Adoption of Rules

§ 389.11 General.

Unless the Administrator, for good cause, finds a notice is impractical, unnecessary, or contrary to the public interest, and incorporates such a finding and a brief statement of the reasons for it in the rule, a notice of proposed rulemaking must be issued, and interested persons are invited to participate in the rulemaking proceedings involving rules under an Act.

[62 FR 37152, July 11, 1997]

§ 389.13 Initiation of rule making.

The Administrator initiates rule making on his/her own motion. However, in so doing, he/she may, in his/her discretion, consider the recommendations of his/her staff or other agencies of the United States or of other interested persons.

[35 FR 9209, June 12, 1970, as amended at 53 FR 2036, Jan. 26, 1988]

§ 389.15 Contents of notices of proposed rule making.

(a) Each notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes:

(1) A statement of the time, place, and nature of the proposed rule making proceeding;